

Applicant : Nicely et al.
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Attorney's Docket No.: 14522-004001

REMARKS

Claims 1-20 were pending. Claims 1, have been amended. Claims 21-23 have been added. Claims 1-23 are currently pending of which claims 1, 9, 14, 15, 19, 21, and 23 are independent. No new matter is added. Reconsideration of the action mailed July 2, 2004, is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-20 under 35 U.S.C. § 112, second paragraph as indefinite. The Examiner rejected claims 1-6 and 8-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,241,608 to Torango ("Torango"). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Torango in view of U.S. Patent No. 6,454,648 to Kelly et al. ("Kelly"). Applicant respectfully traverses the rejections.

Section 112, Second Paragraph Rejections

Claims 1-20 stand rejected as indefinite. The Examiner states that the use of the term "progressive" by itself in the claims is indefinite because it is unclear what type of progressive (e.g., a progressive jackpot, a progressive game). Claims 1, 6, 8-9, 15-16, 17, 19, and 20 have been amended to clarify the use of the term "progressive." Applicant respectfully submits that the § 112, second paragraph rejection has been overcome for claims 1-20.

Section 102(b) Rejections

Claim 1 stands rejected as anticipated by Torango. Claim 1, as amended, is directed towards a system for managing a progressive game that includes joining a first and second distinct gaming system by adjusting one or more progressive payout parameters such that a product of the progressive payout parameters of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and a percentage of the wager amount to be applied to the progressive jackpot is equal for the first and second gaming system.

The Examiner states that Torango discloses adjusting progressive payout parameters such that the product of a wager amount to win a progressive jackpot, an odds of winning the progressive jackpot, and a percentage of the wager amount to be applied to the progressive

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jackpot is equal for each gaming system at col. 13, line 11-col. 14, line 39. Applicant respectfully disagrees.

In the cited section, Torango discloses a sequence of checks performed in order to determine whether or not a gaming system can be linked to a progressive. The first checks, checks 520 and 530, determine whether or not a game to be linked is capable of dynamically updating the game's total wager amount. *See* col. 13, lines 2-7. If the game can dynamically update the total wager amount, a second check is performed (check 530) to determine if the progressive prize's total wager amount is within a range of total wager amounts in the progressive pay line data (i.e., does the progressive prize value fall within a range of total amounts supported by the individual game). *See* col. 13, lines 6-30. Check 530 is determined using two equations relating a prize's total wager amount with a games minimum and maximum wager amounts and a currency exchange rate. *See* col. 13, lines 11-16. If check 530 fails, the game cannot be joined to the progressive. *See* col. 13, lines 31-32. Checks 520 and 530 do not adjust the progressive payout parameters to ensure that the product of the wager amount necessary to participate in a progressive jackpot, the odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot are equal for each gaming system linked to a progressive jackpot.

If a game cannot dynamically update the total wager amount (check 520), a second check 540 is performed to determine if the progressive prize's total wager amount is compatible with the progressive game pay lines lowest total wager amount. *See* col. 13, lines 33-37. Check 540 is determined by calculating the variance between the game's lowest total wager amount and the prize's total wager amount. *See* col. 13, lines 37-47. If the variance is greater than a maximum threshold value, the game cannot be joined to the progressive. *See* col. 13, lines 58-59. Check 540 does not adjust any of the wager amount necessary to participate in a progressive jackpot, the odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot.

A third check 550 can then be performed to determine if the progressive prize requires an equal contribution amount from each player. *See* col. 13 lines 60-62. If an equal contribution

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amount is required a surcharge percent is computed. *See* col. 13, lines 62-63. The surcharge percent modifies the percentage of a wager contributed to the progressive to ensure that the same amount is contributed from each player. *See* col. 13 lines 63-67. The surcharge percent is calculated as a function of a progressive prize's increment percent (i.e., the percentage of wager applied to the progressive total), the prize's total wager amount, the game pay line's lowest total wager amount, and the currency exchange rate. *See* col. 14, lines 1-15. The calculated surcharge percent in Torango is added to a game's wager contribution to provide equal contributions. However, Torango does not disclose or suggest modifying the odds of winning a progressive jackpot nor does Torango disclose or suggest that the product of the wager amount necessary to participate in a progressive jackpot, the odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each game joined to the progressive.

A final check, check 570, can be made to determine if a sum of the percentages contributed to the progressive exceed a maximum amount. *See* col. 14, lines 27-30. The check is made by comparing a simple sum of the percentage contributions provided to the progressive (e.g., the percentage of wager applied and the surcharge percent) against the maximum allowed. *See* col. 14, lines 30-39. No progressive payout parameters are modified by check 570. Furthermore, Torango as a whole fails to disclose or suggest that the product of the wager amount necessary to participate in a progressive jackpot, the odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each game joined to the progressive. Applicant respectfully submits that claim 1, as well as claims 2-8, which depend from claim 1, are in condition for allowance.

Claim 9 stands rejected as anticipated by Torango. Claim 9, as amended, is directed towards a method for including systems having different progressive payout parameters into the same progressive that includes adjusting a first and second set of progressive payout parameters such that a product of a wager amount to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of wager to be applied to the progressive jackpot is equal for the first and the second gaming system. For at least the same reasons set forth above

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with respect to claim 1, claim 9 as well as claims 10-13 and 16, which depend from claim 9, are in condition for allowance.

Claim 14 stands rejected as anticipated by Torango. Claim 14, as amended, is directed towards a system for managing a progressive game that the first and second set of progressive payout parameters are adjusted such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and a percentage of the wager to be applied to the progressive jackpot is equal for the first and the second gaming system. For at least the same reasons set forth above with respect to claim 1, claim 14 as well as claims 17 and 18, which depend from claim 14, are in condition for allowance.

Claim 15 stands rejected as anticipated by Torango. Claim 15, as amended, is directed towards a method for including gaming systems having different currency types to in a progressive jackpot that includes adjusting progressive payout parameters for each gaming system such that a product of a wager amount to participate in a progressive jackpot, an odds of winning the progressive jackpot, and a percentage of the wager amount to be applied to the progressive jackpot is equal. For at least the same reasons set forth above with respect to claim 1, claim 15 is in condition for allowance.

Claim 19 stands rejected as anticipated by Torango. Claim 19, as amended, is directed towards a method for determining a progressive outcome that includes adjusting one or more progressive payout parameters such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each participating gaming system. For at least the same reasons set forth above with respect to claim 1, claim 19 as well as claim 20, which depends from claim 19, is in condition for allowance.

New Claims

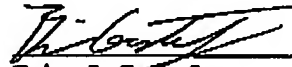
New claims 21-23 have been added. Claims 21-23 are computer program product claims and are allowable for at least the same reasons as set forth above.

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Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated July 2, 2004, be extended for one month to and including November 2, 2004. Please apply the fee of \$55 for a one-month extension for a small entity and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 2 November, 2004

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